

## CHAPTER 3 THE GENERAL PROCESS FOR APPROVAL OR ACCEPTANCE

### 1. GENERAL

A. *Generic Process.* The general process for approval or acceptance is an orderly method used by Flight Standards Aviation Safety Inspectors (ASIs) to ensure the regulatory compliance and aviation safety for the following:

- Facility operations
- Aircarrier operations
- Programs
- Documents
- Procedures or methods
- Systems

B. This generic process generally consists of five related “phases.” The process can result in approving or not approving, or accepting or not accepting a proposal. It is important to understand that the process described in this section is not all-inclusive, but rather a tool to be used with good judgment in conducting day-to-day activities and responsibilities.

**3. PHASE ONE, PREAPPLICATION PHASE.** The first phase is initiated when an applicant for a certificate, certificate holder, operator, aviation interest, individual, or the FAA inquires about or states a need for a change in some aspect of an aviation activity.

A. *Applicant Initiation.* The certificate applicant, certificate holder, operator, or individual conveys to the FAA a need which is related to their activity or proposed activity. This “need” may involve a requirement for FAA approval or acceptance.

(1) For example, an operator may need, want, or be required to have a Minimum Equipment List (MEL) change. The operator initiates the process by inquiring about the correct procedures to receive approval from the FAA for the change.

(2) During initial inquiries it is important for the FAA and the applicant to become familiar with the subject matter. If, for example, an operator requests an operational approval, the ASI must:

- Become thoroughly familiar with existing FAA policy and approval requirements
- Become familiar with the appropriate technical material
- Accurately assess the character and scope of the proposal
- Determine if a demonstration is required
- Determine the need for any coordination requirements
- Ensure that the operator has a clear understanding of the minimum requirements which constitute an acceptable submission
- Determine the date the operator intends to implement the proposal

B. *FAA Initiation.* Phase one may also be initiated when the FAA conveys to the operator, certificate holder, or person a requirement related to their activity that must be approved or accepted. The ASI should act in an advisory capacity to the operator during the preparation of the submission. Such advice may include the following:

- The need for a deviation, authorization, waiver, or exemption
- The need for required demonstrations
- Clarification of Federal Aviation Regulations or handbook information
- Sources of specific technical information
- Acceptable standards for submission

*C. Responsibility for Development of Submission.* An element common to either an applicant or an FAA-initiated action is the effort expended by the applicant in preparing or developing a submission to be evaluated by the FAA. However, it is essential for the applicant to have a clear understanding that although the ASI may provide advice and guidance, the development of the final product submitted to the FAA is solely the responsibility of the applicant.

*D. Applicant-FAA Communication.* In phase one, the ASI must ensure that the operator clearly understands the form, content, and documents required for the submission to be acceptable to the FAA. The operator must be informed of the benefits of submitting required documents as early as possible. The operator also must be made aware of its responsibility to advise the FAA, in a timely manner, of any significant changes in the proposal.

#### *E. Phase One Illustration*

(1) Phase one of the process is initiated by one of the following:

- An operator inquiry or request made to the FAA
- An FAA requirement for an operator to take an action

(2) During phase one the following actions should occur:

- The FAA and the operator develop an understanding of the subject area

- The operator learns the form and content of the documents required for an acceptable submission

**5. PHASE TWO.** Phase two begins when the operator formally submits a proposal for FAA evaluation. The request may be submitted in a variety of ways, e.g., registered mail, hand-carried, etc.

*A. Initial Action.* The ASI's initial action, in phase two, is to review the operator's submission to ensure that the proposal is clearly defined and that the documentation specified in phase one has been provided. Furthermore, the required information must be complete and detailed enough to permit a thorough evaluation of the operator's capability and competence to fully satisfy the applicable regulations, national policy, and safe operating practices. Phase two does not include a detailed operational and technical evaluation or analysis of the submitted information (see phase three). However, in phase two the submission must be examined to assess the completeness of the required information.

*B. Submission Unsatisfactory.* If the operator's submission is not complete or the quality is obviously unacceptable, it must be returned immediately, with an explanation of the deficiencies, before any further review and evaluation is conducted.

(1) Normally, an unacceptable submission should be returned with a written explanation of the reasons for its return.

(2) In many complex cases, a meeting with the operator's key personnel may be necessary to resolve issues and agree on a mutually acceptable solution. If mutual agreements cannot be reached, the ASI must terminate the meeting, inform the operator that the submission is unacceptable, and return the submission.

(3) If all parties are able to reach agreement on measures to correct omissions or deficiencies, and the ASIs (operations, maintenance, and avionics, as applicable) determine that the submission is acceptable, the operator is informed, and phase three begins.

C. *Status Reports.* It is important for the ASI involved to keep the operator advised of the status of the proposal. If the ASI takes no other action, or if the submission is deficient and not returned in a timely manner, the applicant may assume the FAA has tacitly accepted the submission and is continuing with the process. Timeliness of action depends on the situation as well as ASI judgment.

#### D. *Phase Two Illustration*

(1) Phase two of the process is illustrated as follows:

- Operator submits the proposal
- FAA makes an initial examination of the documents for completeness with respect to the requirements established in phase one

(2) As a result of phase two, one of the following will occur:

- FAA accepts the submitted proposal
- FAA returns the submitted proposal

## 7. PHASE THREE

A. *Detailed Analysis.* Phase three is the FAA's detailed analysis, review, and evaluation of the operator's proposal. These actions may take place entirely within a field office, at the site of operations, or at both facilities. In phase three, the FAA evaluation is focused on the form, content, and technical quality of the submitted proposal to ensure that the information:

- Is not contrary to any applicable Federal Aviation Regulations
- Is not contrary to the direction provided in this handbook or other safety related documents
- Provides for safe operating practices

B. *Evaluation Criteria.* Criteria for evaluating the formal submission is found in the applicable chapters of this handbook. The ASI must ensure that the documents establish the operator's capability and competence to conduct operations safely in accordance with the submitted proposal.

C. *Addressing Deficiencies.* During phase three the ASI must address any deficiencies in the submitted material in a timely manner before proceeding to subsequent phases.

(1) Discussion with the operator may be sufficient to resolve certain discrepancies or questions or to obtain additional information. It may also be necessary to return certain portions of the submission to the operator for specific changes. However, when an ASI determines that, for specific reasons, the material is unacceptable, the ASI must return the submission to the operator with an explanation and immediately terminate the process.

(2) If the results of the evaluation are acceptable and a demonstration is necessary, the ASI may need to grant some form of conditional, initial, or provisional approval to the proposal before continuing with the process.

D. *Phase Four Planning.* An important aspect of phase three is for ASIs to begin planning the conduct of phase four. While evaluating the operator's formal submission, ASIs should begin to formulate plans to observe and evaluate the operator's ability to perform. These plans must be finalized before the actual demonstrations.

#### E. *Phase Three Illustration*

(1) Phase three is illustrated as follows:

- FAA evaluates the formal submission for compliance with the Federal Aviation Regulations, compliance with the direction provided in this handbook, and compliance with other safety-related documents and safe operating practices
- When results of FAA evaluation are unsatisfactory, return of the submission to the operator for correction and/or termination of the phase

- Begin planning of phase four (if required)

(2) As a result of phase three, one of the following actions should be taken:

- When the results of the FAA evaluation are satisfactory, proceed with phase four (if a demonstration is required) and when appropriate, grant conditional approval or acceptance
- Proceed to phase five if a demonstration is not required

## 9. PHASE FOUR

A. *Observation and Evaluation of Demonstration.* Phase four is an operational evaluation of the operator's ability to function in accordance with the proposal evaluated in phase three. Usually these demonstrations are required by regulation. Some examples include training programs, emergency evacuation demonstration, external load class operational tests, and Non-Destructive Inspection (NDI) tests.

B. *Evaluation Criteria.* Criteria and procedures for evaluating an operator's demonstrated ability are described in applicable chapters of this handbook.

C. *Handling Discrepancies.* The ASI must plan for the conduct and observation of the demonstration to include such things as participants, evaluation criteria, and sequence of events. During these demonstrations it is normal for minor discrepancies to occur. Discrepancies can often be resolved during the demonstration by obtaining commitments from the responsible company officials.

(1) The ASI responsible for overseeing a demonstration must evaluate each discrepancy in terms of its overall impact on the operator's ability and competence to conduct the proposed operation.

(2) The ASI must stop the phase four demonstration when deficiencies or unacceptable levels of competency are observed. The ASI must either identify the

phase of the general process to which the applicant must return or decide to terminate the process entirely. For example, if an emergency evacuation demonstration is unsatisfactory because of equipment failure (a slide fails to inflate), it may be appropriate to require the operator to reenter the process at phase four and conduct another demonstration. However, if the demonstration is unacceptable because crewmembers were unable to perform their assigned duties, it may be appropriate to advise the operator that the process is terminated and to submit a new proposal.

D. *Acceptable Demonstration.* If the FAA evaluation of the operator's demonstrated ability is acceptable, the process continues. An operator will not, under any circumstances, be authorized or otherwise approved to conduct any particular operation until all airworthiness and operations requirements are met and the operator is clearly capable of conducting a safe operation in compliance with FAA regulations and safe operating practices.

### E. Phase Four Illustration

(1) Phase four of the process is illustrated as follows:

- FAA observes the demonstration
- Operator demonstrates ability

(2) As a result of phase four, one of the following will occur:

- Demonstration is satisfactory
- Demonstration is unsatisfactory

## 11. PHASE FIVE

A. *Approval or Acceptance.* In phase five, the FAA approves or accepts the operator's proposal. If the proposal is not approved or accepted, the operator is notified in phase three or four.

B. *Indicating Approval.* Approval is granted by letter, a stamp of approval, the issuance of operations specifications, or some other official means of conveying approval. Each chapter of Volume 2, which discusses a requirement for

approval, provides specific guidance concerning approval procedures and documentation.

C. *Acceptances*. Other proposals, submissions, or requests not requiring specific FAA approval, but are required to be submitted to the FAA, are items that are presented for acceptance. Acceptance of an operator's proposal may be accomplished by various means, including a letter, verbal acceptance, or by taking no action, which indicates there is no FAA objection to the proposal. Methods and procedures used to accept operator proposals or submissions, when appropriate, are discussed in the applicable chapters of this handbook.

D. *Conditional Approval or Acceptance*. Sometimes FAA approval or acceptance of an operator's proposal may be conditional in nature. For example, a training program may be initially approved, provided the simulator to be used in that program receive approval from the National Simulator Evaluation Team.

E. *Phase Five Illustration*

(1) As a result of Phase five, one of the following will occur:

- FAA approves submission
- FAA accepts submission

